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Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Proposed requirements for the International Criminal Tribunal for Rwanda for 2000

Report of the Advisory Committee on Administrative and Budgetary Questions

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I. Introduction

1. The Advisory Committee on Administrative and Budgetary Questions has considered the reports of the Secretary-General on the budget performance for 1998 (A/54/496 and Corr.1) and an advance version of the Secretary-General's report on the financing for 2000 of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 (A/54/521). It also considered the report of the Secretary-General on the conditions of service for judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda (A/C.5/54/30). During its consideration of the matter, the Committee met with the Prosecutor and a representative of the Registrar of the International Criminal Tribunal for Rwanda and with representatives of the Secretary-General who provided additional information.

2. The Committee points out that it had to consider the report of the Secretary-General on the International Criminal Tribunal for Rwanda under great pressure of time and that it has operated under these constraints for a number of years. The Committee stresses the importance of receiving these budget estimates no later than 1 October of the year during which the estimates are considered.

3. The Committee had to consider the estimates without the benefit of the results of the report of the Expert Group to conduct a Review of the Effective Operation and Functioning of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda requested by the General Assembly in its resolution 53/212 of 18 December 1998 (A/54/634). The report of the experts was transmitted to the Committee by the Secretary-General on 17 November 1999. In the opinion of the Advisory Committee, the report should be submitted to the Tribunals, which should then indicate which of the recommendations are being or will be implemented, or which of them cannot be implemented. The Advisory Committee will revert to the matter on the basis of those indications at the first part of the fifty-fifth session of the General Assembly.

II. Performance report for 1998

4. Upon enquiry, the Advisory Committee was informed that, as at 30 September 1999, total actual expenditure since the inception of the Tribunal in 1995 amounts to $179,042,800, including projections for 1999 of $66,218,200. The Committee was also informed that the total number of persons in custody as of November 1999 were 39, of whom 5 were convicted prisoners. The Committee notes from paragraph 13 of the report of the Secretary-General (A/54/521) that the total number of trial judgements rendered by the Tribunal is four. In this connection, the Committee was informed that the Secretary-General invited the Governments of different countries to indicate whether they would be prepared to cooperate in the enforcement of prison sentences. The Committee was further informed that negotiations are under way with 10 countries, including the Republic of Mali and the Republic of Benin, with whom agreements have already been concluded, for acceptance of convicts (see also para. 68 below).

5. The revised appropriation for 1998 totalled $52,297,900 gross ($48,043,400 net). Expenditure amounted to $54,509,900 gross ($50,430,000 net), resulting in an over-expenditure of $2,212,000 gross ($2,386,600 net). The Advisory Committee notes from the report of the Secretary-General (A/54/496, para. 9) that the amount of $2,212,000 gross ($2,386,600 net) has been charged to the 1999 appropriations. Upon enquiry, the Committee was informed that total unliquidated obligations as at 30 September 1999 amounts to $5,314,518. The Committee notes with concern the apparently high level of unliquidated obligations, and trusts that effective measures will be taken to review the status of obligations more frequently.

6. In the opinion of the Advisory Committee, the size of the over-expenditure for 1998 (see para. 5 above) indicates that there is a need for better forecasting of the requirements of the Tribunal. For example, in the opinion of the Advisory Committee, the additional space for detention facilities should have been foreseen and budgeted for (A/54/496, para. 18). Similarly, the over-expenditure under staff costs could have been minimized by a better calculation of the vacancy rate at the time of submitting revised estimates in October 1998. The date of submission of the revised estimates, that is, two months before the end of the budget year, should have enabled the Tribunal to have a better estimate of the requirements for 1998. This indicates the extent to which the Tribunal needs to improve its capacity for budget monitoring and accounting for expenditure.

7. In paragraph 10 of its report (A/53/659), the Advisory Committee expressed concern at the time it had taken to account and record expenditure and the fact that payroll functions were divided between New York and Arusha. The Advisory Committee notes from the report of the Secretary-General (A/54/496, para. 9) that expenditures reported in October 1998 for 1998 were based on accounting records as at 30 June 1998.

8. Upon enquiry, the Advisory Committee was informed that the situation indicated in its report to the General Assembly at its fifty-third session has not changed. The information on projected expenditure given to the Advisory Committee for 1999 as at 11 November 1999 was still based on data as at 30 June 1999. The representatives of the Tribunal expressed considerable frustration over the time it has taken to delegate to the Tribunal the full authority to manage the payroll functions. They pointed out a number of difficulties, including delays in receipt of payments and allowances for internationally recruited staff. The Advisory Committee also concluded from the testimony of the representatives of the Tribunal that there is a need to streamline considerably the system of handling inter-office vouchers related to the Tribunal's expenses.

9. The Advisory Committee considers that this situation is no longer acceptable and requests the Secretariat to provide full justification to the General Assembly at the time the Fifth Committee considers the estimates of the Tribunal. Justification should be given in specific terms as to why it has taken so long to delegate to the Tribunal functions that are already delegated to the International Tribunal for the Former Yugoslavia.

III. Financial requirements for 2000

10. As indicated in paragraph 8 of the report of the Secretary-General (A/54/521), the overall level of resources proposed for 2000 amounts to $87,819,400 gross ($79,753,900 net), reflecting a growth of $12,558,800 gross ($11,222,000 net) or 16.4 per cent, when compared with the 1999 appropriation of $75,260,600 gross ($68,531,900 net). Extrabudgetary resources projected for 2000 amount to $1,154,000. Tables 1 and 2 of document A/54/521 provide a summary of the requirements.

11. The Advisory Committee notes (ibid., para. 8) that the level of resources requested is based on the needs in connection with the functioning of the three Trial Chambers, stepped up activities in investigation, arrest and detentions and major enhancements envisaged for the delivery of support services.

12. The proposed staffing table for 2000 comprises 832 assessed budget posts, reflecting an increase of 60 posts (7 for the Office of the Prosecutor and 53 for the Registry) over the authorized level for 1999 of 772. The Advisory Committee recalls that, for 1999, the initial number of posts requested in table 4 of the report of the Secretary-General (A/C.5/53/15) totalled 838 including 256 additional posts. The Committee did not recommend approval of 59 posts for 1999 (A/53/659, para. 83). The details of requests for posts are provided in annex II to the report of the Secretary-General (A/54/521). The Advisory Committee recommends that for the next budget submission, an additional column should be included in all staffing tables showing the existing authorized number of posts. As discussed below, for 2000, the Advisory Committee recommends approval of seven additional posts for the Office of the Prosecutor and 31 for the Registry. The Committee recommends against approval of 22 additional posts in the Registry for 2000. In addition, the Committee recommends acceptance of one reclassification for a post in the Registry.

13. The level of staff costs has been affected by the decision to reclassify Arusha from a category B to a category C duty station as well as the parameters used to calculate standard salary costs (A/54/521, para. 8 and annex I). Upon enquiry, the Advisory Committee was informed that, in accordance with ST/AI/280/Rev.6, reclassifying Arusha from category B to C would involve additional entitlements for such items as home leave travel, education grant travel and reimbursement of boarding costs and special shipping entitlements.

14. There are no extrabudgetary posts in table 3 (staffing) of the report of the Secretary-General (A/54/521). Table 3 of that report shows that 9 extrabudgetary posts have been eliminated. The Advisory Committee was informed that these positions had been transferred into the assessed budget in the context of the budget proposals for 2000. The Advisory Committee notes from paragraph 5 of annex II to document A/54/521 that the funding of posts from extrabudgetary resources would be discontinued, owing to lack of contributions. In this connection, the Advisory Committee notes that a total of 41 extrabudgetary posts were shown in table 4 of document A/C.5/53/15. Upon enquiry, the Committee was informed that, of these 41 extrabudgetary posts, only 26 were encumbered during 1998, thus eliminating the remaining 15. Upon enquiry, the Committee was also informed, that in 1999, only 9 posts are being

funded from extrabudgetary resources, as reflected in table 3 of document A/54/521.

15. The Advisory Committee notes from annex VI to the report of the Secretary-General (A/54/521) that extrabudgetary resources of the Tribunal from inception totalled $7,848,999. The Committee also notes with concern the gap between the level of voluntary contributions for the Tribunal for the Former Yugoslavia and the Tribunal for Rwanda as reflected in the information in the respective budget documents.

16. The Advisory Committee notes from paragraph 6 of annex II to the report of the Secretary-General (A/54/521), the situation regarding the employment of local staff. The Committee recalls that it has been the policy of the General Assembly, in particular for peacekeeping operations, to encourage the use of local staff service to the maximum extent possible within the overall authorized level of staff resources, due regard being paid to the need to maintain United Nations standards. The Advisory Committee recommends that the Tribunal discuss the problem identified in paragraph 6 with relevant host Government authorities, with a view to seeking advice and assistance in obtaining additional local staff for the Tribunal's needs.

17. With respect to the growth of the Tribunal's budget, the Advisory Committee sought additional information about future activities. The Committee was informed that, in general, the International Criminal Tribunal for Rwanda does not expect any major increase in personnel requirements in the future. However, the Tribunal may have to anticipate some increase in its requirements based on an expected 100 arrests or indictments; of these nine suspects are still at large and 45 are still to be tracked down. In anticipation of the targeted arrests, resources would be required for the expansion of the United Nations Detention Facilities.

18. Paragraphs 1 to 8 of the report of the Secretary-General (A/54/521) contain a summary of recent developments and achievements of the Tribunal. In this connection, the Advisory Committee notes that a number of measures have been taken to increase the capacity of the Tribunal to discharge its mandate. The Committee welcomes the steps taken to improve the functioning of the administrative and judicial support areas, resulting in marked improvements in staff performance and morale (para.5).

19. The Advisory Committee also welcomes the steps taken, as summarized in paragraph 7 of the report of the Secretary-General (A/54/521), to address the high vacancy rate at the Tribunal in response to the concerns expressed by the Advisory Committee in paragraphs 8 and 9 of its report (A/53/659). As detailed in annex VII.A of the report of the Secretary-General (A/54/521), a Task Force on recruitment for the Tribunal was appointed with the assistance of the Department of Management. As a result, with 277 vacant posts as at 1 January 1999, a total of 100 new staff members had joined the Tribunal as at 31 August 1999, thus reducing the vacancy rate to 23.3 per cent. The Advisory Committee notes from paragraph 7 of document A/54/521 that the processing of another 106 posts has since been finalized and efforts are being made to ensure that these staff members report to duty before the end of the year.

20. The Advisory Committee commends the work of the Task Force. The Committee notes from paragraph 7 of the report of the Secretary-General (A/54/521) that the vacancy rate of 35 per cent as of the beginning of 1999 has been systematically reduced and is expected to fall to the normal attrition rate of 5 to 7 per cent by the end of the year. However, information provided to the Advisory Committee leads it to conclude that this expectation is optimistic. Upon enquiry, the Committee was informed that the vacancy rate at the time of review by the Advisory Committee had been 19 per cent. As indicated by the Task Force in paragraph 8 of annex VII.A to document A/54/521 and stressed by representatives of the Tribunal, not all selected candidates agreed to report for duty with the Tribunal. For example, from 1 January to 31 August 1999, 26 selected candidates failed to report on duty.

21. In view of the statement in paragraph 3 of annex VI to the report of the Secretary-General (A/54/521) that a voluntary contribution was received in 1999 for the Recruitment Task Force, the Advisory Committee sought information on the activities of the Task Force. The Advisory Committee was informed that the activities of the Task Force ended on 19 September 1999 and that the Head of the Task Force returned to his duty station. However, in order to provide further assistance to the Personnel Section, and also to carry out the process of filling the remaining vacant posts, the Tribunal has retained the services of a recruitment officer and two personnel assistants for a further period of three months. In this connection, the Committee questions the rationale for relying on voluntary contributions for this important management function, and is of the view that the work of the Task Force should be funded from the assessed budget of the Tribunal.

22. The main reasons for the request for additional posts are explained in paragraph 2 of annex II to the report of the Secretary-General (A/54/521). It is indicated that developments in 1999 have contributed to the need for additional posts in 2000. These developments include the operation of three Trial Chambers, installation of audio-video equipment in two of the three courtrooms, the

decision to allow joint trial of cases and increased workload in the Security, Language, Court Management, Chambers, Communications/Electronic Data Processing and General Services Sections. The Advisory Committee notes from paragraph 4 of annex II to the same report that a number of services were delivered in 1999 through redeployment of staff and that the request for additional staff is to rectify this situation. The Committee points out, however, that it is not possible to determine the actual number of additional posts until the Tribunal reduces considerably the vacancy rate. Only after experiencing the effect of using the full capacity of all authorized posts would the Tribunal be able to evaluate the need for additional requirements. The Advisory Committee has borne this fact in mind in its recommendations in relation to posts for the International Criminal Tribunal for Rwanda.

23. With regard to presentation, the Advisory Committee welcomes the information contained in annex VII to the report of the Secretary-General (A/54/521) on the implementation of recommendations of the Advisory Committee. In future, the Committee requests that an indication be given as to whether or not there are also recommendations of the Board of Auditors and the Office of Internal Oversight Services to be reported on. In terms of workload indicators, the Advisory Committee is of the view that, even though there has been some improvements, there is a need for more to be done. In particular, a mere presentation of workload statistics is not of much help to the Advisory Committee nor to the General Assembly. The indicators need to be analysed; the result of that analysis would then form the basis to support of the resources requested for the estimate. This approach would at least make the indicators more meaningful than at present, when in a number of instances more resources are requested, even though indicators show no marked increases or, in some instances, show decreases. In addition, the presentation of indicators in tables should be consistent with the presentation in narratives. The Advisory Committee also requests that the information on miscellaneous income be reflected in the summary of requirements table (table 1) of document A/54/521. Furthermore, when reporting on voluntary contributions received, information on related total expenditure should also be provided.

A. Chambers

24. An amount of $1,792,300 net is proposed for the Chambers for 2000, reflecting an increase of $27,600, when compared with an appropriation of $1,764,700 net for 1999. The estimate is explained in paragraph 10 to 18 of the report of the Secretary-General (A/54/521). The Advisory Committee notes from paragraph 12 of that report that the decision to introduce joint trials and to consider motions solely on the briefs filed by the parties should contribute to efforts to speed up trials, as well as optimize the operational costs of the Tribunal.

25. In paragraph 14 of the report of the Secretary-General (A/54/521), the Advisory Committee notes the statement regarding the increased workload of the Trial Chambers in 2000, resulting from more detentions, more trials of cases and the intensification of the appeals process. The Committee is aware that resources requested under the Chambers, the Office of the Prosecutor and the Registry are to address these activities. However, the Advisory Committee is of the view that a mere increase of resources for the Tribunal would not significantly alleviate the situation, unless corresponding judicial measures are taken. The Advisory Committee notes that the Expert Group has given advice on what further measures need to be taken to speed up trials and reduce the length of time suspects are detained while awaiting trial.

26. The Advisory Committee notes from paragraph 17 of the report of the Secretary-General (A/54/521) that salaries and allowances of judges, amounting to $1,678,300 would have to be adjusted pursuant to the decisions of the General Assembly on the conditions of service, as proposed by the Secretary-General (A/C.5/54/30) and as recommended by the Advisory Committee in paragraph 75 below.

27. An amount of $114,000 is requested for travel in paragraph 18 of the report of the Secretary-General (A/54/521). Included in the estimate is an amount of $24,000 for travel of judges and legal officers to represent the Tribunal at meetings with government officials, regional and international meetings or seminars. The Advisory Committee sought additional information on the nature and purpose of travel and was provided with the information contained in the annex to the present document.

28. The Advisory Committee questions the appropriateness of the absence of judges of the Tribunal to attend meetings at times that could interfere with the immediate judicial work of the Trial Chambers. The Committee also notes that, in addition to judges, legal assistants also undertake travel. It is the opinion of the Advisory Committee that, if the subjects of the meetings are considered worth attending, the related expenses should be born by the authorities that extend the invitations. Under the circumstances, the Committee recommends against the request for $24,000.

29. Subject to its comments in paragraph 26 above, the Advisory Committee recommends acceptance of the Secretary-General's proposals for the Chambers.

B. Office of the Prosecutor

30. The estimate for the Office of the Prosecutor for 2000 is set at $22,436,500 gross ($19,590,600 net) and reflects an increase of $3,373,600 gross ($2,850,300 net) when compared with the appropriation of $19,062,900 gross ($16,740,300 net) for 1999 (A/54/521, table 5, refers). The number of temporary posts for the year 2000 total 197 and reflect an increase of 7 posts when compared with 190 for 1999 (A/54/521, table 6, refers). The basis for the proposed 7 posts is provided in paragraph 31 and supplemented with further information and justification, as contained in paragraphs 8 to 24 of annex II to the report. The Advisory Committee notes that the proposed posts would provide additional support for investigation activities and for the increase in the number of trials and appeals, both interlocutory and on the merits of cases.

31. The workload indicators for the Office of the Prosecutor are contained in annex V to the report of the Secretary-General (A/54/521). The Advisory Committee points out that the request for additional resources would not be justified if one were to look at the face value of some of the indicators projected for 2000. There is no change, for example, in the number of investigations, public indictments, trials prosecuted and trials completed. Indeed, there is a decrease in the number of trials under preparation and there is no change in the number of investigations. Nevertheless, careful analysis of all the available data would support the conclusion that the related resources need to be increased. Accordingly, as indicated in paragraph 21 above, for the future, these indicators should be carefully analysed in order to serve as a basis of support for the request for resources, not only for the Office of the Prosecutor, but also for the other organs of the Tribunal.

32. The Advisory Committee notes from annex III to the report of the Secretary-General (A/54/521) that, as at August 1999, out of 190 posts authorized for the Office of the Prosecutor for 1999, 122 were encumbered, and that the vacancy rate was almost 36 per cent. The latest information provided to the Committee indicates that as at October 1999, the vacancy rate was 26.8 per cent. Seven additional posts are requested for the Office, as follows: one (P-3) for archival services at Kigali, four (2 P-4 and 2 P-3) to strengthen the trial and appeals process and two (1 P-5 and 1 P-4) to strengthen investigation activities (A/54/521, annex II, paras. 12, 16 and 22). In the opinion of the Advisory Committee, it would not be advisable to delay to 2001 the process of strengthening these areas. Under the circumstances, the Committee recommends acceptance of the seven new posts requested for the Office of the Prosecutor.

C. Registry

33. As indicated in table 7 of the report of the Secretary-General (A/54/521), the resource requirements for the Registry for 2000 amount to $63,590,600 gross ($58,371,000 net), reflecting an increase of $9,157,600 gross ($8,344,100 net) when compared with an appropriation of $54,433,000 gross ($50,026,900 net) for 1999. In addition, it is estimated that $1,154,000 net will be administered by the Registry as extrabudgetary resources, reflecting an increase of $169,800 net when compared with the amount of $984,200 net for 1999.

34. With regard to staff resources for the Registry for 2000, the Advisory Committee notes from table 8 of the same report of the Secretary-General that 635 posts are proposed (163 in the Professional category and above, 128 General Service, 24 Field Service, 82 Security Service and 238 Local level posts), of which 582 are continuing temporary posts, 53 new temporary posts and 1 reclassification. The Committee also notes from the same table that 9 extrabudgetary posts are abolished for 2000 (see also para. 14 above).

35. The basis of the request for additional posts is summarized in paragraph 47 of the report of the Secretary-General (A/54/521) and supplemented with detailed justification in paragraphs 25 to 105 of annex II to the report.

36. In examining the request for posts for the Registry, the Advisory Committee has taken into account the justifications offered, as well as the current vacancy situation in the Registry. The Committee notes from annex I to its report (A/53/659) that, as of August 1998, the vacancy rate for the Registry was 25.6 per cent. As indicated in annex III to the report of the Secretary-General (A/54/521), the vacancy rate for the Registry was 19.2 per cent as at the end of August 1999. Upon enquiry, the Committee was informed that, as at the end of October 1999, the vacancy rate was 16.8 per cent. However, in the Professional and higher categories, the vacancy rates were 34.5 and 28.0 per cent as at August 1998 and August 1999, respectively. There has therefore been progress in reducing the vacancy rate in the Registry.

37. For the immediate office of the Registrar, four additional posts are requested (2 P-3, 1 General Service and 1 Local level post). The justification is contained in paragraphs 25 to 30 of annex II to the report of the Secretary-General (A/54/521). Taking into account the number of posts available for this office, the Advisory Committee recommends acceptance of the two P-3 posts and one Local level post. The functions to be assigned to the proposed General Service post should be performed by the existing General Service personnel in the office.

38. With regard to the immediate office of the Deputy Registrar, the Advisory Committee agrees with the proposal to redeploy to the office a General Service post from the Witness and Victims Support Services, Kigali, but it does not support the request for a new General Service post (A/54/521, annex II, paras. 32-33, refer).

39. In connection with the Chambers Support Section, the request for three additional posts (1 P-5, 1 P-2 and 1 General Service) is explained in detail in paragraphs 34 to 42 of annex II to the report of the Secretary-General (A/54/521). It is also proposed that a P-2 post be reclassified to the P-3 level. These posts are to assist the President and judges in the preparation of judgements and to support appeals activities (see A/54/521, annex II, paras. 37 and 42). The Advisory Committee recommends acceptance of these requests.

40. The Advisory Committee notes from paragraph 44 of annex II to the report of the Secretary-General (A/54/521) that the General Legal Services Section is currently handled by two P-3 legal officers and two General Service staff. The Committee recommends approval of the request for a P-5 post to accommodate the position of senior legal adviser/Chief of Section. The Advisory Committee points out that, as regards the International Tribunal for the Former Yugoslavia, it has not accepted the proposal to reclassify a P-5 level post to the D-1 level for this function. The Committee is not convinced of the need for a new General Service post. The Advisory Committee notes that the section has a bilingual secretary and one bilingual typist. This should provide adequate support to the three Professional positions in the section.

41. The additional staff proposals for the Court Management Section are explained in paragraphs 45 to 53 of the report of the Secretary-General (A/54/521). A total of six new posts (3 P-2, 2 General Service and 1 Local level post) are requested. Two P-2 posts are requested for court reporting and one P-2 post is for automating court records (see A/54/521, annex II, paras. 52 and 49). The Advisory Committee recommends acceptance of these requests. The Committee also recommends acceptance of one Local level post. However, the Committee does not recommend approval of the two General Service posts requested in paragraphs 50 and 52 of annex II to document A/54/521, since it appears that an attempt is being made to establish a one-to-one ratio between Professional and General Service posts. The Advisory Committee recommends that the related functions be performed through the redeployment of staff.

42. For the Witness and Victims Support Section, the Advisory Committee notes from paragraph 58 of annex II to the report of the Secretary-General (A/54/521) that a new P-3 post and the redeployment of two General Service posts from Kigali are proposed for Arusha. For the reasons stated in paragraphs 56 and 57 of annex II to document A/54/521, the Committee recommends approval of these proposals. The Committee also recommends approval of the redeployment of the posts mentioned in paragraph 60 of annex II to document A/54/521.

43. The Advisory Committee does not share the view that the increase in the number of detainees from the current 38 to 50 should immediately require an increase in the number of administrative assistants from two to three, as proposed in paragraph 62 of annex II to the report of the Secretary-General (A/54/521). Furthermore, the Committee cautions against the tendency to request additional resources in all situations in anticipation of increased workload. Accordingly, the Advisory Committee does not recommend approval of the additional new General Service post requested in paragraph 62 of annex II to document A/54/521.

44. The Advisory Committee notes from paragraph 66 of annex II to the report of the Secretary-General (A/54/521) that three new posts (1 P-2 and 2 General Service) are requested for the Legal Library and Reference Unit. These would be in addition to the current establishment of five posts (1 P-3, 1 P-2 and 1 General Service and 2 Local level posts). Upon enquiry, the Committee was informed that, of the current establishment, three posts (one P-3, one General Service and one Local level staff) are at Arusha, while two (one P-2 and one General Service) are at Kigali. In view of the redeployment of legal, administrative and other functions from Kigali to Arusha, the Committee sees no justification to increase the number of posts allocated to the Kigali library services. Likewise, the Committee does not recommend approval of the General Service post of Reference Library Assistant for Kigali requested in paragraph 66 of annex II to document A/54/521. The Advisory Committee recommends approval of a P-2 post for an Information Librarian for the Arusha Unit. However, it does not

recommend approval of the General Service post for a bilingual Secretary.

45. As can be seen from the table in paragraph 47 of the report of the Secretary-General (A/54/521), a total of 32 new posts are requested for the Administrative Services Division. The Advisory Committee recommends that, for the next budget submission, an additional column be included in all staffing tables showing the existing authorized number of posts.

46. One General Service post is requested in paragraph 69 of annex II to the report of the Secretary-General (A/54/521) for a nurse at Arusha. The Advisory Committee recommends approval of this post.

47. The Advisory Committee notes from paragraph 71 of annex II to the report of the Secretary-General (A/54/521) that the Personnel Section comprises 13 posts (1 P-5, 3 P-3, 5 General Service and 4 Local level). The Committee also notes from paragraph 72 of annex II to document A/54/521 that nine posts were redeployed to the section in 1999, and that temporary assistance was used to supplement services provided through established posts. The Advisory Committee therefore sees no immediate need to add a new General Service post for a personnel assistant, as requested in paragraph 73 of annex II to document A/54/521.

48. Thirteen posts (1 P-5, 1 P-4, 1 P-3, 1 P-2, 7 General Service and 2 Local level staff) are currently provided for in paragraph 75 of annex II to the report of the Secretary-General (A/54/521) for the Finance Section. Upon enquiry, the Committee was informed that recruitment was under way for the only vacant P-3 post in the Finance Section. The Advisory Committee is of the view that this is an area where automation could increase productivity and thereby alleviate growth in the number of posts. Accordingly, the Committee recommends approval of two additional posts (1 General Service and 1 Local level) instead of the four (1 General Service and 3 Local level) posts requested in paragraph 77 of annex II to document A/54/521.

49. A request is made in paragraph 82 of annex II to the report of the Secretary-General (A/54/521) to redeploy two Field Service posts from the Communications Unit to the Building Management Unit. The Advisory Committee recommends approval of this request.

50. For the Communications Unit, the Advisory Committee agrees with the request for three new Field Service posts explained in paragraph 85 of annex II to the report of the Secretary-General (A/54/521) for three technicians to operate the new audio-video equipment for the three Trial Chambers of the Tribunal.

51. With regard to the Electronic Data Processing/Management Information Systems Unit, the Advisory Committee notes from paragraph 87 of annex II to the report of the Secretary-General (A/54/521) that there is currently a total of 11 posts (1 P-3, 2 P-2, 3 General Service and 5 Local level). It is proposed that the number of posts be increased by seven (5 General Service and 2 Local level), from 11 to 18, as explained in paragraph 88 of annex II to document A/54/521. It is not clear from the estimate how the increased number was arrived at. Upon enquiry, the Committee was informed that recruitment was under way for the four vacant posts (two P-2 and two Local level). Accordingly, of the seven additional posts, the Advisory Committee recommends approval of four posts (3 General Service and 1 Local level); thus, the total number of posts for the Unit would be 15, instead of the proposed 18.

52. In connection with the Transport Unit, one Field Service post and two General Service (Local level) posts are requested in paragraph 90 of annex II to the report of the Secretary-General (A/54/521) for the establishment of a workshop and spare parts store at Arusha. The Advisory Committee recalls that this service was first proposed in the budget submission for 1999. In paragraphs 68 and 69 of its report (A/53/659), the Committee requested a cost-benefit analysis of the project. The result of the analysis, which is contained in annex VII.B of document A/54/521 is that it would be cheaper for the Tribunal to own and operate its own workshop and spare parts store than to outsource those functions to local contractors. Accordingly, the Advisory Committee recommends acceptance of the three posts requested in paragraph 90 of annex II to document A/54/521 for a mechanic/spare parts supervisor, and two mechanics/auto electricians.

53. In paragraph 92 of annex II to the report of the Secretary-General (A/54/521), it is proposed that one Field Service post be redeployed from the Communications Unit to the Other General Services Unit. The Advisory Committee recommends approval of that request.

54. The Advisory Committee is not convinced of the need for the additional two posts (1 P-2 and 1 Local level) requested in paragraph 95 of annex II to the report of the Secretary-General for a social affairs officer and a nurse for the welfare and for monitoring the health of detainees. These functions should be carried out either by existing staff or through redeployment.

55. Five language posts (1 P-3 and 4 General Service) are requested and explained in paragraphs 96 to 100 of annex II

to the report of the Secretary-General (A/54/521) for a translator/interpreter at The Hague and bilingual secretaries. The additional language posts are for strengthening translation/interpretation for appeals activities and for the three Trial Chambers. The Advisory Committee notes with concern the statement in paragraph 100 of annex II to document A/54/521 that shortage of staff delayed completion of tasks, including decisions, judgements and appeals. The Committee was informed that lack of sufficient staff resources at The Hague is delaying the processing of material related to the International Criminal Tribunal for Rwanda, since the International Tribunal for the Former Yugoslavia gives priority to its own language services. Upon enquiry, the Committee was informed that 89 posts (51 at Arusha and 38 at Kigali) were vacant. The Committee is of the view, as indicated in paragraph 22 above, that new posts should not be approved while the vacancy rate remains high. Accordingly, the four General Service posts should not be approved at this time. However, for reasons explained in paragraph 99 of annex II to document A/54/521, the Committee recommends approval of the P-3 post in The Hague.

56. The Advisory Committee considers that Language Services for the two Tribunals are a critical element in the efficient operation of the Trial and Appeals Chambers. It is therefore essential that the structure and organization of these services be such as to deliver optimum results. The Committee is therefore concerned about the statement that the parties to the judicial process before the International Criminal Tribunal for Rwanda do not have to adhere to any specific and/or mandatory deadlines with respect to submitting materials for processing by the Language and Conference Services Section. Furthermore, the Committee notes that cases are not ordinarily docketed primarily with the status of relevant court materials in mind. The Committee considers it essential that the effect of this situation on the efficient management of the court's activities warrants urgent attention.

57. In paragraph 105 of annex II to the report of the Secretary-General (A/54/521) six posts (1 P-1, 2 General Service and 3 Local level) are requested to strengthen the Administrative Services Section at Kigali. The Advisory Committee points out that a number of functions have been transferred from Kigali to Arusha and that a number of posts have also been redeployed to Arusha. The Committee therefore sees no justification to strengthen administration at Kigali to the extent proposed. Accordingly, the Advisory Committee recommends approval of four posts (1 P-2, 1 General Service and 2 Local level), as against the six posts requested in paragraph 105 of annex II to document A/54/521; one General Service and one Local level post are therefore not recommended for approval.

58. With regard to other staff costs, a total of $2,067,200 is requested in paragraph 48 of the report of the Secretary-General (A/54/521), reflecting an increase of $267,200 over the appropriation of $1,800,000 for 1999. The Advisory Committee notes from paragraph 48 that the bulk of the request ($1,767,200) is for general temporary assistance for language staff with skills in Kinyarwanda and for other locally recruited staff to cover unforeseen requirements. In paragraph 55 above, the Committee has noted the high vacancy rate situation in language services at Arusha and Kigali. In the opinion of the Advisory Committee, the filling of these vacant posts should provide more capacity and reduce the need for recourse to temporary assistance for a number of objects of expenditure for which the other staff cost resources have been requested. Furthermore, the Committee was informed that the most recent projection for expenditure in 1999 shows a likely saving of $289,239 under temporary assistance budgeted for under the Registry. Under the circumstances, the Advisory Committee recommends approval of the same amount as for 1999, namely, $1,800,000.

59. The Advisory Committee has no objection to the request for $203,200 for consultants requested in paragraph 49 of the report of the Secretary-General (A/54/521) and the amount of $600,900 requested in paragraph 50 of that document for travel.

60. An amount of $7,771, 800 is requested for contractual services and the detailed explanation of the use of these resources is contained in paragraph 51 of the report of the Secretary-General (A/54/521). The amount for 2000 represents an increase of $1,443,000 over the 1999 amount of $6,328,000. The increase is attributable to requirements for defence counsel, which are estimated at $6,295,800 for 2000. The balance of the $1,476,000 is for a variety of services, including contractual security services for detainees, staff training, auto insurance and medical services.

61. The Advisory Committee has, in its previous reports, expressed concern about the increasing cost of defence counsel, the fact that the management of defence counsel activities is becoming very complex, and that it is difficult to monitor and control the related expenses. Upon enquiry, the Advisory Committee was informed that new procedures were being contemplated regarding this subject. The Advisory Committee notes that the report of the Expert Group provides additional insight in this area.

62. The Advisory Committee notes from information provided to it on the most recent projection of expenditure for 1999 that, out of the appropriation of $6,328,800 for contractual services, an unencumbered balance of $347,634 is projected. Accordingly, the Committee recommends that an amount of $7.4 million should be approved for contractual services under this object of expenditure, thus reducing by $371,800, the amount of $7,771,800 requested in paragraph 51 of document A/54/521.

63. For general operating expenses, an amount of $5,475,900 is requested and detailed information on the use of the resources is contained in paragraph 53 of the report of the Secretary-General (A/54/521). The estimate reflects an increase of $1,303,600 over an appropriation of $4,033,700 for 1999, mainly for additional space, aircraft operation and prison improvements.

64. The Advisory Committee notes from paragraph 53 (a) of the report of the Secretary-General that an amount of $1,443,200 is proposed for rental and maintenance of premises and that it includes the amount of $1,219,800 for the rental of space at the Arusha International Conference Centre, the seat of the Tribunal. In addition to the request for rental at the Conference Centre, an amount of $956,000 is requested in paragraph 56 of the report for a number of purposes, including rental of additional space at the Conference Centre, construction costs at the United Nations Detention Facilities, improvements at Kigali and costs for other services. The Advisory Committee notes from paragraph 43 of document A/54/521 that the Administration continues to have difficulties in obtaining additional office space at the Conference Centre. Upon enquiry, the Committee was informed that the host Government had been addressing the space problem in consultation with officials of the Tribunal. The Advisory Committee recommends approval of $1,443,200 for rental and maintenance of premises and the amount of $956,000 requested in paragraph 56 of document A/54/521.

65. The Advisory Committee sought additional information with regard to the amount of $1,806,000 requested for communication requirements (ibid., para. 53 (c)), in particular for such items as satellite communications link ($653,000), telephone and other related charges ($572,000) and various frequency rentals and circuits ($162,000). Upon enquiry, the Committee was informed that expenditure under this object for 1998 amounted to $1,575,774 and that projected expenditure for 1999 is estimated at $1,349,135.

66. The Advisory Committee notes from the report of the Secretary-General on the budget performance for 1998 (A/54/496, para. 19) that an over-expenditure is reported under communications related to the use of the United Nations telecommunication system. The Advisory Committee was informed that this over-expenditure was owing to a double billing for telephone usage. Upon enquiring about the apparent double billing, the Committee was informed that it had been anticipated that all telephone charges of the International Criminal Tribunal for Rwanda incurred under the United Nations Telecommunications System would be charged to the Tribunal at Arusha through inter- office vouchers, and an obligation document had been raised to cover the anticipated telephone charges. However, telephone charges had been directly charged to the Tribunal's account at Headquarters, resulting in a charge in New York and an obligation at Arusha for the same purpose. The Advisory Committee was informed that the obligation at Arusha had been cancelled and the related expenditure for 1998 reduced. Furthermore, the Committee was informed that the projected expenditure for communications for 1999 shows an unencumbered balance of $191,466. Under the circumstances, the Advisory Committee recommends approval of the amount of $1,540,600 for communications for 2000, which is the same amount as that authorized for 1999. Accordingly, the request of $1,806,000 (see A/54/521, para. 53 (c)) is reduced by $265,400.

67. The Advisory Committee notes from paragraph 53 (f) of the report of the Secretary-General (A/54/521) the request for $690,000 for the hiring and operation of a Beechcraft B 200, hitherto funded from voluntary contributions from the inception of the Tribunal until the end of 1999. Upon enquiry, the Committee was informed that, while the actual amount of expenditure for the period from January 1999 to September 1999 averaged $1,467 per month, an average of $1,500 per month was used to calculate the amount of $690,000. The Committee points out that air transportation is an essential operational requirement and, accordingly, endorses the proposal to charge this to the assessed budget of the Tribunal.

68. In paragraph 53 (g) of the report of the Secretary-General (A/54/521) an amount of $250,000 is requested to provide assistance for upgrading the conditions of existing prisons and detention facilities to international standards in those countries that have concluded an agreement with the Tribunal on the enforcement of sentences. The Advisory Committee notes from the same paragraph that although it is difficult to determine the number of sentences that would be enforced during 2000, and the level of assistance that may be required by cooperating Governments, a provision for this purpose is requested. The Committee is of the opinion that, in the

absence of alternatives, this should be funded from the budget of the International Criminal Tribunal for Rwanda. Actual expenditure should be reflected in the relevant performance report.

69. The Advisory Committee requested and received information on fuel and mileage for the Tribunal's vehicle fleet. In view of unexplained fluctuations, the Advisory Committee requests strict monitoring in this area.

70. The Advisory Committee recalls that recommendation 10 contained in the independent experts' study on the Integrated Management Information System (IMIS) of July 1998 (A/53/662, para. 294) indicated that Member States should approve funding of expenditures for the development of a remote connectivity capability in IMIS to support peacekeeping operations, tribunals and the operations of other interested agencies (see also A/54/7/Add.7, annex I). Comments of the Administration indicate that progress has been slower than expected, owing to the need to devote the existing resources to other priority activities in the Department of Management and the Department of Peacekeeping Operations. The Committee regrets the lack of progress in the implementation of IMIS in the peacekeeping operations and the Tribunals and requests that the Secretary-General proceed expeditiously with the implementation of IMIS in the Tribunals and include estimates in the next budget submission in this regard.

IV. Conclusions and recommendations

71. On the basis of the comments and conclusions contained in the paragraphs above, the Advisory Committee recommends that the General Assembly appropriate to the Special Account for the International Criminal Tribunal for Rwanda, the amount of $86,154,900 gross ($78,170,200 net) for the period from 1 January to 31 December 2000. This would represent a reduction of $1,664,500 gross ($1,583,700 net) the estimate of $87,819,400 gross ($79,753,900 net), as indicated in paragraph 10 above.

Conditions of service for the judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda

72. In his report on the above-mentioned subject, the Secretary-General proposes two options for consideration concerning the establishment of a survivors' benefit for the survivors of the judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda (see A/C.5/54/30, para. 15).

73. Under option 1, in the event of a death of a judge of the Tribunal, survivors are compensated in the form of a lump-sum payment equivalent to one month of base salary for each year of service, subject to a minimum of one month and a maximum of four months.

74. In option 2, in the event of a death of a judge of the Tribunal, survivors are compensated in the form of a lump-sum payment equivalent to one month of base salary for each year of service, subject to a minimum of three months and a maximum of four months. The Committee requested information on the financial implications of each option but did not receive a complete analysis by the time the present report was finalized.

75. Under the circumstances, with regard to the survivors' benefits for the survivors of the judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, the Advisory Committee recommends option 1, that is, lump-sum payment equivalent to one month of base salary for each year of service, subject to a minimum of one month and a maximum of four months. The Committee also recommends that financial implications be worked out, using new base salary rates, and that they be provided to the Fifth Committee.

Annex

Travel of judges and associate legal assistants of the International Criminal Tribunal for Rwanda to seminars and international meetings

1. During 1999, the following travel was undertaken by the judges and their associate legal assistants in connection with attending seminars and international meetings:

Number of persons	*Meetings attended*	*Date*
1 legal assistant	International Association of Penal Law, Paris	5-8 June 1999
1 judge	12th Commonwealth Law Conference, Kuala Lumpur	11-19 September 1999
1 legal assistant	International Criminal Jurisdiction Conference, Gaborone	13-23 October 1999

2. The following are the seminars and international meetings for 2000 in which the judges and their legal assistants of the Tribunal are likely to participate:

(a) International Institute of Higher Studies in Criminal Sciences, Seracusa, Italy;

(b) International Bar Summit in London;

(c) International Bar Association annual meetings.